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Interference, B. M. Johnson vs. Odell an

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IN THE UNITED STATES PATENT OFFICE.

INTERFERENCE.

B. M. JOHNSON

vs.

ODELL AND JONES.

Subject: REIN-HOLDER and WHIP-SOCKET.

TESTIMONY FOR JOHNSON.

JAMES J. SHEEHY,
Attorney for Johnson.

John H. Wheeler, Law Printer, Corner 9th and G Sts., N. W.



In the United States Patent Office.

In the Matter of the Interference between the Application of B. M. Johnson, for a Whip-Socket and Rein-Holder, and the Application of Odell and Jones, now pending before the Commissioner of Patents.

WASHINGTON, D. C., *April 26th, 1890.*

Messrs. C. H. WATSON & Co.,

Washington, D. C.

GENTLEMEN: You are hereby notified that on Thursday, May 1st, 1890, at the office of Silas Menzie, notary public, Delavan, Wisconsin, at nine o'clock in the forenoon, I shall proceed to take the testimony of George H. Bedell, Charles Bedell, James H. Stryker, Joseph Johnson, Peter Wells, John Gilbert and Charles S. Bedell, of Darien, Walworth Co., Wisconsin; James K. Howell, A. Howell and Pickett Howell, of Sharon, Walworth Co., Wisconsin; Bernt M. Johnson, H. W. Campbell, Charles Guy, B. Sutherland and John Raymon, of Racine, Racine Co., Wisconsin, and others, as witnesses in my behalf.

The examination will continue, from day to day, until completed. You are invited to attend and cross-examine.

JAMES J. SHEEHY,

Attorney for B. M. Johnson.

Service of the above notice acknowledged this 26th day of April, 1890.

C. H. WATSON & Co.,

Attorneys for Odell and Jones.



UNITED STATES OF AMERICA, } ss:
Eastern District of Wisconsin,

The President of the United States of America to George H. Bedell, Charles Bedell, James H. Stryker, Joseph Johnson, Peter Wells, John Gilbert, Charles S. Bedell, of Darien, Greeting:

You, and each of you, are hereby commanded that, laying aside all business and excuses, you, and each of you, be and appear, in your proper persons, before Silas Menzie, notary public, Delavan, Wis., in the said district, on the 1st day of May, 1890, by 9 o'clock in the forenoon of the same day, to testify, all and singular, those things which you, or either of you, know in a certain cause, now depending, in the United States Patent Office, in the matter of the interference between the application of B. M. Johnson, for a whip-socket and rein-holder, and the application of Odell & Jones, on the part of the said Johnson; and this you, or either of you, are not to omit, under the penalty which may ensue.

Witness: the Hon. Melville W. Fuller, Chief Justice of the Supreme Court of the United States of America, at Milwaukee, the 29th day of April, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States the 114th.

[SEAL.]

EDWARD KURTZ,
Clerk.

STATE OF WISCONSIN, } ss:
Walworth County,

SILAS MENZIE, being first duly sworn, on oath, says that he resides at the village of Delavan, in said county, and that on the 30th day of April, A. D. 1890, at the town of Darien, in said county, he then and there duly served the within subpoena on the within-named John Gilbert, James H.

Stryker, Joseph Johnson, Peter Wells, Charles H. Bedell and Charles Bedell, by reading and exhibiting the same to each of them, and paying him his legal fees, and that the within-named George Bedell could not be found in said county or State, and was absent therefrom, and that affiant knew the persons so served to be the same persons named in said subpœna.

SILAS W. MENZIE.

Subscribed and sworn to before me this first day of May,
A. D. 1890.

[SEAL.]

I. P. LARNARD,
Notary Public, Wal. Co., Wis.

UNITED STATES OF AMERICA, }
Eastern District of Wisconsin, } ss:

The President of the United States of America to James K. Howell, A. Howell, Pickett Howell, of Sharon, Wis.,
Greeting:

You, and each of you, are hereby commanded that, laying aside all business and excuses, you, and each of you, be and appear, in your proper persons, before Silas Menzie, notary public, Delavan, Wis., in the said district, on the 1st day of May, 1890, by 9 o'clock in the forenoon of the same day, to testify, all and singular, those things which you, or either of you, know in a certain cause, now depending in the United States Patent Office, in the matter of the interference between the application of B. M. Johnson, for a whip-socket and rein-holder, and the application of Odell & Jones, on the part of the said Johnson; and this you, or either of you, are not to omit, under the penalty which may ensue.

Witness: the Hon. Melville W. Fuller, Chief Justice of the Supreme Court of the United States of America, at Milwaukee, the 29th day of April, in the year of our Lord

one thousand eight hundred and ninety, and of the Independence of the United States the 114th.

[SEAL.]

EDWARD KURTZ, *Clerk.*

STATE OF WISCONSIN, }
Walworth County, } ss:

SILAS MENZIE, being first duly sworn, on oath, says that he resides at the village of Delavan, in said county, and that he is well acquainted with the person named in the within subpoena, and that the three names therein mentioned refer to one and the same person, to wit, James K. Howell, who is sometimes called "Pickett Howell," and that in April 30, A. D. 1890, after due and diligent search, the said Howell could not be found in said county or State, and was absent therefrom.

SILAS W. MENZIE.

Subscribed and sworn to before me this first day of May,
A. D. 1890.

[SEAL.]

I. P. LARNARD,
Notary Public, Wal. Co., Wis.

IN THE UNITED STATES PATENT OFFICE.

Before the Commissioner of Patents, in the Matter of the Interference between the Application of B. M. Johnson, for a Whip-Socket and Rein-Holder, and the Application of Odell and Jones.

Depositions of witnesses examined on behalf of B. M. Johnson, pursuant to the annexed notice, at the office of

Silas W. Menzie, in Delavan, Walworth County, Wisconsin, on Thursday, May 1st, 1890.

Present: H. A. Cooper, Esq., counsel for B. M. Johnson, and J. F. Lyon, Esq., on behalf of Odell and Jones.

Deposition of John Gilbert.

JOHN GILBERT, being duly sworn :

Question 1. What is your name, age, occupation and place of residence ?

Answer. John Gilbert; age, 52 years; occupation, hay-presser; place of residence, Darien, Walworth County, Wisconsin.

Q. 2. How long have you resided at Darien ?

A. Ten years last September.

Q. 3. How long have you been acquainted with Abijah Jones, one of the parties to this action ?

A. Most all of the time I have lived in Darien.

Q. 4. Do you know where Abijah Jones has resided for ten years last past ?

A. Resided on his farm, in Darien, Walworth County.

Q. 5. Do you know what his general reputation for truth and veracity is in the community where he resides ?

(Objected to as not rebuttal.)

A. Mr. Jones has used me pretty well.

(Objected to as not responsive.)

Q. 6. (Last question repeated.)

A. I cannot find fault on my own account.

(Objected to as calling for an answer "Yes" or "No.")

Q. 7. Mr. Gilbert, will you please state whether you know what his general reputation is for truth and veracity in the community where he resides ?

A. Well, sir, it is not very good.

(Objected to as not responsive.)

Q. 8. From what you know of his general reputation for truth and veracity in that community, would you believe him under oath?

A. Yes; I would for my own self.

Q. 9. Would you believe from that reputation, would you believe him under oath, in any matter in which he was interested pecuniarily?

(Objected to as not a proper impeaching question.)

A. For my own self, I would.

Q. 10. I want a direct answer to my question—not an answer based upon your own personal relations with Mr. Jones, or your experience with him, but upon his general reputation for truth and veracity in the community where he resides. Now, I ask you whether, from that general reputation, you would believe him under oath?

A. I would, as far as I am concerned.

Q. 11. What do you mean by “as far as you are concerned?”

(Objected to as cross-examination.)

A. I mean from my own experience with him.

(Cross-examination, by J. F. LYON, Esq.)

X-Q. 12. Have you dealt with Jones and had business transactions with him?

(Objected to as incompetent, irrelevant and immaterial.)

A. Yes, sir; a good deal.

X-Q. 13. How extensively?

(Same objection as above.)

A. Good many thousand dollars—three thousand at one time.

X-Q. 14. How long since you quit having extensive business transactions with Jones?

(Same objection as above.)

A. About three years.

X-Q. 15. Did you cease having further deals with him on account of his reputation?

(Same objection.)

A. No, sir; am dealing with him now.

X-Q. 16. I think in one of your answers you stated that Jones' general reputation for truth and veracity was not very good. Please state what you mean by that.

A. He would have a good deal of trouble in getting along with his business with some men.

X-Q. 17. Will you please name some persons who you have heard say that Jones' character for truth and veracity was not good?

A. I cannot tell any names now.

X-Q. 18. Have you ever heard anything said by any person residing in the vicinity of his residence in regard to his reputation for truth and veracity that would cause you to disbelieve him under oath?

(Objected to the form of the question—in the vicinity of his residence, which should be in the community where he resides.)

A. No, sir; I do not take any notice what other people say.

(Re-direct-examination.)

R-D-Q. 19. Do you mean to say that you never heard anybody in the community where Jones resides question his truth and veracity?

A. Yes, sir; I have heard them question it.

R-D-Q. 20. How many residents of that community have you heard question his character for truth and veracity?

A. I could not say.

R-D-Q. 21. Do you mean to say you cannot give me the name of a person?

A. I could not.

R-D-Q. 22. Do you know what his general character for truth and veracity is in the community where he resides?

(Objected to as having been asked and answered three previous times.)

A. It is not very good.

JOHN GILBERT.

Deposition of Peter Wells.

PETER WELLS, sworn:

Question 1. What is your name?

Answer. Peter Wells.

Q. 2. Age, occupation and place of residence?

A. Age, 34; occupation, farmer, and place of residence, Darien, Walworth County, Wisconsin.

Q. 3. How long have you known Abijah Jones, one of the parties in this interference?

A. Twenty years last past.

Q. 4. Do you know what his general reputation for truth and veracity is in the community where he resides?

A. Yes, sir.

Q. 5. What is that reputation?

A. It is pretty bad.

Q. 6. Mr. Wells, from what you know from that reputation, would you believe him under oath in any matter in which he is interested?

A. I would not.

(Mr. Lyons objects to the last part of the question.)

(Cross-examination.)

X-Q. 7. How far do you live from Jones?

A. About three and one-half miles.

X-Q. 8. Is it in the same neighborhood?

A. Well, no; not exactly.

X-Q. 9. Is it not at another post office or hamlet?

A. Yes, sir.

X-Q. 10. And another community?

A. We always go to Darien to do our trading. I went to school there.

X-Q. 11. Have you ever had dealings with Jones?

A. Yes, sir.

X-Q. 12. How lately?

A. Last fall; paid him what I owed him; was last spring; should have said was in June.

X-Q. 13. Have any difficulty with him at that time?

A. Yes, sir.

X-Q. 14. Up to the time of that difficulty, had you dealt with him considerably?

A. Don't think I ever dealt with him but twice in my life.

X-Q. 15. And was this difficulty in regards to one of those deals?

A. Yes, sir.

X-Q. 16. Who did you ever hear question his character for truth and veracity?

A. Heard a woman—Mrs. Mamie Wells.

X-Q. 17. What did you hear her say?

A. Heard her say when she come to settle up with him for twine: whenever she got any, she would take a bill of it—what it would come to—and he had ten dollars charged to her more than the bills called for.

X-Q. 18. When was this you heard her say this?

A. Three years ago.

X-Q. 19. Did you deal with Jones after you heard this?

A. No, sir; only paid him up what I owed him.

X-Q. 20. Name some other person.

A. My brother, Joseph Wells, and wife heard them say that they bought a top buggy of Jones, and he agreed to give them a poll, and they never got the poll.

X-Q. 21. Who else?

A. My brother had a deal with him about hogs and wood; was my brother Joseph. Jones came down there on Sunday and bought the hogs and the wood. First Jones said hogs had gone down; can't give you but \$4.50 for them; said they were delivering green wood in Darien for \$4.50. So he bought the wood and hogs; paid \$5 on them. Mr. Thomas came down that Sunday. He said hogs was worth \$5.; said you could get \$5 cord for wood delivered in Darien. We gave Thomas the \$5; and he took it up and gave it to Jones. Mr. Thomas said he would send Frank Johnson down. Johnson came down, and he gave us \$5. for the hogs and \$5 for the wood, and we let Johnson have the hogs.

X-Q. 22. Who else?

A. That's all.

X-Q. 23. When was this last transaction?

A. About 12 to 14 years ago.

X-Q. 24. Have you dealt with Jones since that?

A. Yes, sir.

X-Q. 25. What deal?

A. Bought a reaper of him.

X-Q. 26. About when was that?

A. About 8 years this summer.

X-Q. 27. How did you pay him for it?

(Objected as incompetent, irrelevant and immaterial.)

A. Traded a mower—McCormick—in towards it; paid him \$40 two years ago this summer; paid him one hundred dollars last year. If it was not well paid for, I don't know what was.

X-Q. 28. Was the claim about out-leased?

A. I don't know whether it was or not.

X-Q. 29. Was you found to pay it by law?

A. Yes; I was hard up.

X-Q. 30. Who else have you heard say anything about his truth and veracity?

A. Now, Mr. Lyon, it is a frequent occurrence in Darien; it is a common occurrence.

X-Q. 31. Please name some person?

A. It is a common every-day occurrence when you are at Darian when speaking about Abijah Jones.

(Objected to, by Mr. Lyon, as not responsive to question.)

X-Q. 32. Give name.

A. Mr. Foltz—David Foltz.

X-Q. 33. What did he say?

A. He said: well, Pete, I would settle up with him. If you don't, he will skin you of everything you have got, if he can. He said Jones was an old scoundrel.

X-Q. 34. Did you pay Jones for anything you did not owe him?

A. I paid him what he claimed I owed him. I do not know if I paid him for more than was coming to him.

X-Q. 35. Did not Jones throw off \$40 of the claim?

A. I could not say; he spoke once of throwing off something if I paid it at a certain time. I don't know if he did or not. He said he wanted \$100, and I paid it.

X-Q. 36. Who else have you heard say anything about Jones?

A. I cannot name any one else.

X-Q. 37. You say it is the general talk of the people in Darien when Jones name is mentioned.

A. Jones will take them around back and give them some beer and then sell them some machinery, and then beat them if he can.

X-Q. 38. Who did you ever hear say that?

A. I cannot say; you would hear this one and that one often say it.

X-Q. 39. When did you ever hear it said? Have you heard it within ten years?

A. Yes; within two years.

X-Q. 40. Where was you when you heard it?

A. In Darien. I stood right across—right by Bedell's blacksmith shop.

X-Q. 41. When was it you say it was—within two years?

A. Can't say. I have been in Darien off and on every little while.

X-Q. 42. Now, don't you know Jones has not had beer for the last six years.

A. Can't say; that's what people said. I have drank beer with him, up in his old warehouse that was burned. Jones got Perry Miller drunk as a fool and he puked all over the floor.

(Objected to as not responsive to question, by Mr. Lyon.)

X-Q. 43. How long ago was that?

A. It is ten or eleven years ago; can't say which.

X-Q. 44. You and Jones were good friends up to the time he collected his debt.

A. We are good friends to-day; have drank beer lately with him.

(Re-direct-examination.)

R-D-Q. 45. Mr. Wells, how many people, who are residents in the community where Jones resides, have you heard question his truth and veracity?

A. I could not tell the population of the town. I should say one-third of them.

R-D-Q. 46. How far did you say you lived from Jones?

A. About three and one-half miles.

R-D-Q. 47. What, if anything more, did Mrs. Joseph Wells tell you about her twine purchase of Mr. Jones—whether he took the \$10 or not?

A. She had the bills and receipts, and showed them to him, and he said he might have made a mistake.

R-D-Q. 48. Did she say anything further about him?

A. She said that if that had been Joseph that went up there Jones would have got the \$10, because he cannot read or write.

(Re-cross examination.)

Re-X-Q. 49. Will you name one person you have ever heard say one word about Mr. Jones' character for truth and veracity?

A. Mr. Foltz—David Foltz—said Jones would skin me if he could, and that he was dishonest.

PETER WELLS.

Deposition of Joseph Johnson.

JOSEPH JOHNSON produced and sworn:

Question 1. What is your name, age, occupation and place of residence?

Answer. Name, Joseph Johnson; age, 43 years old; occupation, farmer, and residence, Darien, Walworth County, Wisconsin.

Q. 2. How long have you lived there?

A. 43 years.

Q. 3. How long have you known Abijah Jones, one of the parties?

A. 25 years.

Q. 4. How far have you lived from him?

A. About 3 miles.

Q. 5. Do you know what his general reputation is for truth and veracity in the community where he resides?

A. In some respects I do ; some I do not. I do not know everybody's opinion.

(Objected to as not responsive to question, by Mr. Lyon.)

Q. 6. Do you know what his general reputation for truth and veracity is in the community where he resides? I do not mean your own personal knowledge of him, but whether you know his general reputation for truth and veracity in that community.

A. I should have to answer that it is not the best.

Q. 7. In some respects I do, in some respects I don't; what do you mean by that?

A. I do not know everybody's opinion.

Q. 8. I asked you whether you knew his general reputation for one thing, and that is, telling the truth in the community where he resides?

A. I should have to say it was not the best.

Q. 9. Is it good?

A. Not first-class.

(Cross-examination.)

X-Q. 10. What do you understand by the meaning of "general reputation?"

A. I should understand that the talk and remarks you would hear in passing along the street.

X-Q. 11. Who have you heard speak in regard to his truthfulness?

A. I do not think I could mention any particular person.

X-Q. 12. What have you ever heard said in regard to his truthfulness?

A. I don't know that I can say any particular thing that has been said, only remarks I have heard about the man.

X-Q. 13. From the remarks you have heard about this man, would you believe him under oath?

A. I would have to; yes, sir.

X-Q. 14. Have you lately had any difficulty with Mr. Jones?

A. No, sir.

X-Q. 15. Have you ever had?

A. Not worth mentioning.

JOE JOHNSON.

Deposition of James Stryker.

JAMES STRYKER produced and sworn:

Question 1. What is your name, age, occupation and place of residence?

Answer. James Stryker; age, 66 years; occupation, farmer; residence, Darien, Walworth County, Wisconsin.

Q. 2. How long have you lived in Darien?

A. 35 years last past.

Q. 3. How long have you been acquainted with Abijah Jones, one of the parties?

A. As much as 34 years.

Q. 4. Do you know what his general reputation is for truth and veracity in the community where he resides?

A. I do.

Q. 5. What is it?

A. Bad.

Q. 6. From what you know from that reputation, would you believe him under oath?

A. I would not.

(Cross-examination.)

X-Q. 7. Who have you heard speak of his reputation in regard to truth and veracity?

A. John Gilbert, the first witness who testified to-day.

X-Q. 8. When?

A. Two or three years ago.

X-Q. 9. Who else?

A. David Foltz.

X-Q. 10. When?

A. Two years ago; may not be as long ago; was when Jones had difficulty with witness Wells.

X-Q. 11. Who else?

A. John B. Johnson; keeps a grain warehouse in Darien, Wis.

X-Q. 12. When?

A. About the time Johnson had a law-suit with a man.

X-Q. 13. Who else?

A. Charles Linderman.

X-Q. 14. When?

A. Some time this past winter; several times the past winter.

X-Q. 15. Was he at the time having difficulty with Jones?

A. I could not tell you.

X-Q. 16. Have you had difficulty with Jones?

A. Not in particular.

X-Q. 17. Has Jones been deputy sheriff?

A. Yes.

X-Q. 18. Have you had difficulty about the matter?

A. I have had none. I have been deputy sheriff. I have had no difficulty about that with him.

X-Q. 19. At the time you speak of, that you heard J. B. Johnson make remarks about Jones, was Johnson having a suit with a third party about breaking his leg, and was there not some excitement and feeling about the matter?

A. There was.

X-Q. 20. Was not Jones then deputy sheriff, and did he not subpoena the witness for the party whom Johnson was litigating with?

A. Can't say whether he did or not.

X-Q. 21. Was not these remarks caused by the interest that Jones took in the matter for the third person, or a man named Read?

A. I could not say; don't know what the cause was.

X-Q. 22. Have you and Jones been on friendly terms for the past two or three years?

A. Speak every time we meet, and quarrel at every town meeting.

(Re-direct examination.)

R-D-Q. 23. Have you heard others, besides the persons whose names you have given and who reside in that community, question Mr. Jones' character for truth and veracity.

A. I have.

R-D-Q. 24. About how many?

A. I should say every other man in the village, and I speak within bounds.

R-D-Q. 25. Is the John B. Johnson, of whom you spoke, a prominent man in that community?

(Objected to as immaterial and incompetent, calling for opinion, by Lyon.)

A. He is.

R-D-Q. 26. What positions has he held, if any?

A. Been member of State Legislature; has been chairman of board of supervisors of town of Darien.

(Re-cross examination.)

Re-X-Q. 27. Has there not been, in the last two years, that you and Jones have not spoken together?

A. I do not really know; there has been times we have not spoken together; I do not think it is as long as that.

(Re-direct examination.)

R-D-Q. 28. Have you any feeling of enmity towards Jones now?

A. No, sir.

JAMES STRYKER.

Deposition of John Raymon.

JOHN RAYMON produced and sworn :

Question 1. What is your name, age, occupation and place of residence ?

Answer. John Raymon; age, 36 years; occupation, carriage-trimmer; employed by the Mitchell-Lewis Wagon Co., of Racine, Wisconsin, and my residence is Racine, Wisconsin.

Q. 2. Were you present at the office of Joseph R. Dyer, in the city of Racine, Wisconsin, on the 9th day of September, 1889, when Mr. Bernt M. Johnson, as party to this interference, had his deposition taken ?

A. Yes, sir.

Q. 3. Did you hear Mr. Johnson testify that Jones & Odell, the other parties to this interference, first came to his place together in the afternoon of a certain day, and that they came in together the next morning ?

A. Yes, sir.

Q. 4. Did you hear Mr. Jones, one of the parties to this interference, say anything or make any interruption when Mr. Johnson gave that testimony ?

(Objected to, 1st, as immaterial; 2d, as not rebuttal.)

A. I did.

Q. 5. What did he say ?

(Objected to for same reason.)

(Question withdrawn.)

Q. 6. Did you hear Mr. Jones say, when Mr. Johnson gave the above-mentioned testimony, that it was not true,

and that he (Jones) and Odell came from Chicago on the same morning that they went into Mr. Johnson's place?

(Objected to as immaterial and not rebuttal.)

A. I did.

JOHN W. RAYMON.

Deposition of Charles Bedell.

CHARLES BEDELL produced and sworn:

Question 1. What is your name, age, occupation, and place of residence?

Answer. Charles Bedell; age, 58 years; occupation, merchant; residence, Darien, Wisconsin.

Q. 2. How long have you resided in Darien, Wis.?

A. Six or seven years.

Q. 3. Do you know Abijah Jones, one of the parties to this interference?

A. Yes, sir.

Q. 4. How long have you known him?

A. Ever since I lived in Darien.

Q. 5. How far have you resided from him?

A. About one-half mile.

Q. 6. Do you know what his general character for truth and veracity is in the community where he resides?

A. Yes, sir.

Q. 7. What is it?

A. Bad.

Q. 8. From what you know from that reputation, would you believe him under oath in a matter he was interested in?

(Objected to the last part as being incompetent.)

A. No, sir.

(Cross-examination.)

X-Q. 9. Who did you ever hear say anything as to his character for truth and veracity?

A. Now, Mr. Lyon, I do not want to offend people by calling all the people I have heard speak in regard to his character for truth and veracity. I will mention one that has just come lately this week—a relation of his, Cheslie Rockwell.

X-Q. 10. What did you hear him say?

A. I heard him say that he sold Jones a Watson binder for \$50, and after he got the binder he brought Dell Taylor to his barn and took out seventy-five dollars worth of repairs; said he broke open the barn and picked the lock. That is the way he told me. He said he never sold him the repairs; that would be foolish to let him have \$75 worth of repairs with a binder worth \$50. Why, says he, Charley, you do not know that man. He said I bought a hog of him, and paid him the money down for it. Now, what do you suppose he done? That hog he charged to me after paying for it.

X-Q. 11. Who else have you heard say anything about him?

A. I could name a good many more, but I do not want to make enemies.

X-Q. 12. Name one more.

A. No; I rather not name any more.

X-Q. 13. Are you friendly with Mr. Jones?

X. Yes, sir; certainly; Mr. Jones has always been square with me.

X-Q. 14. Did you ever swear out a warrant against Mr. Jones and have him arrested?

A. I swore out a waarrant, but did not have him arrested on it. I was persuaded not to have him arrested.

X-Q. 15. What was the charge you made against him?

A. Selling beer unlawfully.

X-Q. 16. Was you perfectly friendly with Jones at the time?

A. No, sir; I was not.

X-Q. 17. Then you and Mr. Jones have not always been on good terms?

A. No; we have not.

X-Q. 18. Have you taken an certain part in this matter for Mr. Johnson—looking up witnesses?

A. No, sir; I have not.

X-Q. 19. Are you now selling the article now in controversy—the whip-socket and rein-holder?

A. I am.

X-Q. 20. Who do you purchase them of?

A. Of Mr. Johnson & Reichert. Mr. Johnson is one of the parties to this interference.

X-Q. 21. Have you been consulted by Mr. Johnson in this matter?

A. Yes, sir.

X-Q. 22. Have you not informed him that you would assist him and find out facts for him in this matter?

A. Yes.

X-Q. 23. Has he not paid you for looking up this matter?

A. No, sir; not one dollar or one cent, except my witness fees. He telegraphed me to come to Racine, but the telegram was a mistake; it was for my son, Charles Bedell. This was about four weeks ago. Cannot tell when it was. I went to Racine.

X-Q. 24. Was it on this matter he wished to see you?

A. Yes, sir.

(Re-direct examination.)

R-D-Q. 25. Have you any feeling of enmity whatever towards Mr. Jones?

A. No, sir; none whatever.

R-D-Q. 26. You have a son named Charles H. Bedell and a son named George S.?

A. Yes, sir.

R-D-Q. 27. How was this telegram addressed?

A. Charles Bedell, which is my name. When I got to Racine Johnson said, "It is your boy I want to see."

CHAS. BEDELL.

Deposition of Bernt M. Johnson.

BERNT M. JOHNSON produced and sworn :

Question 1. What is your name?

Answer. Bernt M. Johnson ; am a party to this interference.

Q. 2. During your examination, when your deposition was taken in this matter—on September 9th, 1889—before J. R. Dyer, at his office, in the city of Racine, Wisconsin, did Mr. Jones, one of the parties to this interference, interrupt and say, in the presence of J. R. Dyer, John Raymon and Henry A. Cooper, that he (Jones) and Odell came to Racine from Chicago on the same morning that they went into your place, and that your testimony, that they called upon you on the previous day, was not true?

(Objected to as immaterial and not rebuttal, by Mr. Lyon.)

A. Yes, sir.

Q. 3. When you went to Darien, on the occasion of taking the deposition on behalf of Odell and Jones in this matter, last fall, did you take any book with you and have it present when the depositions were being taken?

(Objected to as immaterial and not rebuttal.)

A. Yes, sir; I had the register of the Western Hotel of Racine, with Odell and Jones' names registered therein.

(Mr. Lyon objects to all the answer, except his words "Yes, sir," as immaterial and not rebuttal.)

Q. 4. Mr. Jones and Mr. Odell both testified on the occasion of their first interview with you, at city of Racine, that Mr. Odell made a drawing upon a slate in your place of business; is that true?

(Objected to, for the reason what took place at said first interview was stated by the witness on his former examination, and is not proper rebuttal testimony.)

A. I never had a slate in the house.

Q. 5. At any time, at the city of Racine, Wisconsin, in your place, did Mr. Odell make any sketch upon any slate?

(Objected—same as above.)

A. Never.

Q. 6. Did you, at any time, when any sketch was made by Mr. Odell or Mr. Jones, examine it, and say that you believed it was a good thing, and that you could go to work and make the patterns from the sketch and the explanation Odell or Jones had given you?

(Objected to, on ground that the above is not proper rebuttal, the interview having been fully testified to by witness on his former examination.)

A. I never said so.

Q. 7. Did Odell tell you that he had not decided whether to use a V-shaped flat spring or coil spring?

A. He never told me anything about a flat spring or coil spring.

Q. 8. Did you, at any interview, tell Jones or Odell, or either of them, that it (meaning socket and holder) did not amount to anything, and that you did not believe it would pay to get it patented?

A. I never did; my letter to them show to the contrary.

(Last part of answer objected to, by Mr. Lyon.)

Q. 9. During any interview you had with Odell or Jones, did they, or either of them, make a proposition like this: "You to furnish the money and make the model; Odell and Jones to get it patented; you to pay for it, and to have one-third interest in the patent?"

(Objected to as immaterial and not proper rebuttal testimony.)

A. No, sir. Before I knew what they had we talked about the money part. I told Odell & Jones that I had been speculating, so I had no money. Then Jones answered and said: I have got plenty of money to run the business with, if you can get the thing in proper shape.

Q. 10. Do you know what the general reputation for truth and veracity of Abijah Jones, one of the parties to this interference, in the community where he resides?

(Objected to—not shown that witness is competent.)

A. Yes; I know.

Q. 11. What is that reputation?

A. Bad.

(Cross-examination.)

X-Q. 12. How near do you live to Mr. Jones?

A. About 45 miles.

X-Q. 13. When did you first get acquainted with Jones?

A. I knew him about two years before this whip-socket business; had spoken to him, but not as well acquainted as afterwards.

X-Q. 14. How many of his neighbors did you know before this trouble began?

A. Only Mr. Odell, whom I had met in Racine.

X-Q. 15. How many of his neighbors do you now know?

A. Won't say for certain; five or six.

X-Q. 16. Name over whom they are.

A. Know John B. Johnson, John Gilbert, and the depot agent—I don't know his name; the man who keeps the coal and lumber yard near the depot; two or three men I spoke to when the depot agent was then at the depot, whose names I do not remember. Doc Bush, the conductor on the St. Paul Railroad, was there.

X-Q. 17. Do you know whether the persons you met at the depot were Jones' neighbors?

A. They told me they lived at Darien, and had lived there for years.

(Re-direct examination.)

R-D-Q. 18. When was it that you had these different interviews with these different men?

A. With Johnson and depot agent, the first time I arrived at Darien, at the depot last fall, when I went to Darien at the time of taking the depositions of Odell and Jones. I saw the other men before we got through taking the depositions.

R-D-Q. 19. What did these men say in regard to the general reputation of Jones as to truth and veracity in the community where he lived?

(Objected to as improper and being a cross-examination of their own witness, and a party at that.)

A. They said I had got hold of the wrong crowd, and that Jones was the biggest rascal in that township, and that Odell would swear to anything that Jones wanted him to.

(All that part of answer relating to Odell, Mr. Lyons objects to as not being responsive to question.)

(Re-cross examination.)

Re-X-Q. 20. Who told you this?

A. The men at the depot—one the depot agent, and J. B. Johnson, the other person.

(Mr. Cooper moves to strike out all that part of witness' answer relating to Mr. Odell, being the next to the last answer on page 38, as not being responsive to the question.)

Deposition of Charles H. Bedell.

CHARLES H. BEDELL produced and sworn:

Question 1. What is your name, age, occupation and place of residence?

Answer. Name is Charles H. Bedell; age, 27 years; occupation, blacksmith; residence, Darien, Walworth County, Wisconsin.

Q. 2. How long have you been acquainted with Abijah Jones, one of the parties to this interference?

A. Five or six years.

Q. 3. How far have you lived from him?

A. About $\frac{3}{4}$ of a mile.

Q. 4. Do you know what his general reputation for truth and veracity is in the neighborhood where he resides?

A. I do.

Q. 5. What is it?

A. Bad.

Q. 6. From what you know of that reputation, would you believe him under oath?

A. Not if anything was depending to him in the least way.

(Cross-examination.)

X-Q. 7. Have you been quite active in this matter assisting Mr. Johnson?

A. Yes, sir; a little bit.

X-Q. 8. Have you been to Racine at his request to consult with him about this matter?

A. Yes, sir; I have.

X-Q. 9. How far is Racine from Darien?

A. About 50 miles.

X-Q. 10. When was you last at Racine to see Johnson?

A. About 3 or 4 weeks ago.

X-Q. 11. Have you been more than once to see Johnson?

A. No, sir.

X-Q. 12. After you had been to Racine, did you have an interview with Odell, one of the parties, in regard to what took place between you and Johnson at Racine?

A. No, sir.

X-Q. 13. Did you tell Odell anything that Johnson told you or proposed to you in the matter?

A. No, sir.

X-Q. 14. Did you tell Mr. Odell in substance that Mr. Johnson said to you that if you would take a brass model of the whip-socket and rein-holder and bring it to Darien and swear that you had seen Jones and Odell, or either of them, have it in the fall of 1887, that he, Johnson, would give you \$50, or any other amount of money?

A. No.

X-Q. 15. How much has Johnson paid you?

A. Nothing; only two dollars for witness' fees. Mr. Menzie handed me the \$2 yesterday.

* X-Q. 16. After receiving the \$2, did you not say to Odell that \$2 more would make just \$50 you had from Johnson?

A. I don't think I did. I know I did not.

X-Q. 17. Are you and Jones good friends?

A. Yes, sir.

X-Q. 18. Has he ever had you arrested for anything?

A. Yes, sir.

X-Q. 19. Was you convicted of the offence you was arrested for?

A. Yes, sir; plead guilty, and paid the fine and costs—\$2.32.

X-Q. 20. What do you understand by the words general reputation for truth and veracity?

A. I understand that it means whether a man is honest—whether he would cheat a man; and, I think, Jones will do it. I know he will do it.

(Re-direct examination.)

R-D-Q. 21. What was you arrested for ?

A. For using abusive language to Jones, in Darien.

R-D-Q. 22. When you came to Racine, you say you saw Johnson. Did he tell you that he had heard that you or your brother had seen Jones or Odell have a brass model at Darien in fall of 1887 ?

(Objected to as immaterial,)

A. Johnson told me he had heard so.

R-D-Q. 23. Who have you heard, among the people in the vicinity where Mr. Jones resides, question his truth and veracity ?

(Objected to on the ground that it is not responsive to anything drawn out by the opposing counsel, and that it is not proper for a party to cross-examine his own witness.)

A. John Gilbert, James Stryker, I. L. Saxton, Charles Linderman, Lorenzo Winters, Cheslie Rockwell, George Bedell, August Howe, Charles Hollister. That is enough, I guess.

(Re-cross examination.)

Re-X-Q. 24. What did you hear Ike Saxton say ?

A. Heard him say he was a stinker.

Re-X-Q. 25. What business was Saxton in at the time ?

A. Keeping hotel.

Re-X-Q. 26. Sell liquors ?

A. I suppose he did.

Re-X-Q. 27. What did you hear Charles Linderman say ?

A. Said he was a dishonest old devil; told him so to his face.

Re-X-Q. 28. What business is Linderman in ?

A. Saloon business.

C. H. BEDELL.

STATE OF WISCONSIN, }
County of Walworth, } ss.:

I, Silas W. Menzie, a notary public, within and for the county of Walworth and State of Wisconsin, do hereby certify that the foregoing depositions of Charles Bedell, James H. Stryker, Joseph Johnson, Peter Wells, John Gilbert and Charles H. Bedell, of Darien, and Bernt M. Johnson and John Raymon, of Racine, Wisconsin, were taken on behalf of Bernt M. Johnson, in pursuance of the notice hereto annexed, before me, at Delavan, in said county, on the first day of May, 1890; that each of said witnesses was by me duly sworn before the commencement of his testimony; that the testimony of each of said witnesses was written out by myself; that the opposing party, Abijah Jones, was present during the taking of said testimony; that said testimony was taken at my office, in Delavan, in said county, and was commenced at nine o'clock a. m. on said first day of May, 1890, and was concluded at six o'clock p. m. of same day; that I am not connected by blood or marriage with either of said parties, nor interested, directly or indirectly, in the matter in controversy.

In testimony whereof, I have hereunto set my hand and affixed my seal, at Delavan, in said county, this 1st day of May, 1890.

SILAS W. MENZIE,
Notary Public for Walworth Co., Wisconsin.



